



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of **Corbett, et al** : Date: October 04, 2002
Serial Number: 09/829,888 : Group Art Unit: 2834
Filed: April 10, 2001 : Examiner: P. Cuevas
Title: **Linear Actuator** : IBM CORPORATION
Intellectual Property Law
Department 9CCA/Building 002/2
P.O. Box 12195
Research Triangle Park, NC 27709

NOTICE OF DEMAND
FOR PATENT TERM ADJUSTMENT UPON ISSUANCE OF APPLICATION

Commissioner for Patents and Trademarks
Washington, D. C. 20231

Dear Sir:

Applicant sends Notice to the Examiner for entry with the Application as follows:

RECEIVED
OCT 11 2002
TECHNOLOGY CENTER 2800

CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail under 37 CFR §1.8 in an envelope addressed to Commissioner for Patents and Trademarks, Washington D.C. 20231 on the date indicated below.

Date of Mailing: 10/04/02 Signature of person mailing: Ameriah Dearbory

RPS92000013US1

09/829,888

DEMAND FOR PATENT TERM ADJUSTMENT

Applicant notes that the present application was originally filed April 10, 2001, and that Examiner mailed a Restriction Requirement on 9/18/02. Applicant has separately responded to Examiner's Restriction Requirement. Applicant notes that nearly eighteen (18) months have passed since original filing of the application without any prosecution on the merits.

As a result, prosecution on the present application, has been clearly delayed solely due to the U.S.P.T.O. Applicant now demands that additional time be reserved for and provided to Applicant upon issuance of this application. Applicant further notes that the received restriction requirement is not an action on the merits and in any cases was received well after the fourteen (14) month response requirement of 35 U.S.C. §154.

As such, Applicant was not provided "at least one [of the] notification[s] under section 132 of this title [...] not later than 14 months after (I) the date on which the application was filed [...] per §154(A). To date, Applicant remains without such "notification". Therefore, has resulted and remains—this delay is equal to the difference between fourteen (14) months after the number of days of the Applicant's filing date and the date of which a first Action on the merits will be mailed.

RPS92000013US1

09/829,888

As such, Applicant demands that such time be reserved for and provided to Applicant upon issuance of this application, and that upon issuance, such cumulative time be restored in full in an amount equal to at least said period of delay.



J. BRUCE SCHELKOPF
Registration No. 43,901
Attorney for Applicant
IBM CORPORATION
Personal Systems Group
Telephone No.: (919) 543-4753
schelkop@us.ibm.com

Dated: 10-14-02

RPS92000013US1

09/829,888